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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,328	08/21/2006	Inge Leytens	WSP240US	2736
490/3	7590	03/31/2009		
MICHAEL L. DUNN SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221			EXAMINER ALLEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			3781	
			MAIL DATE	DELIVERY MODE
			03/31/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,328

**Applicant(s)**

LEYTENS, INGE

**Examiner**

JEFFREY ALLEN

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
- Paper No(s)/Mail Date 1/26/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

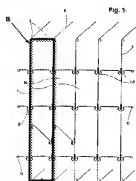
### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Clement (FR2723916).
3. Clement discloses a flexible compartment system comprising flexible webs (1) that can be suspended from frame elements and intermediate portions (4) made of flexible material and connected to each other to form compartments (10). The system has a number of base elements (B, Fig. 1 below labeled by examiner) connected along openings of the compartments. The base elements are made up of four compartments and the base elements are identical.



***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clement in view of Waldenberger (U.S. Patent No. 4,839,206).

6. Clement discloses all the claimed limitations as shown above and that the base members are assembled together by means of tape (12).

7. Clement fails to teach that the tape is double sided.

8. Waldenberger teaches that it is known in the art to manufacture tape that is double sided (abstract).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the compartment system of Clement with double sided tape, as taught by Waldenberger, in order to increase the strength of connection between the compartments.

10. Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clement in view of Cobane (U.S. Patent No. 6,296,133).

11. Regarding claim 15, Clement discloses all the claimed limitations as shown above and that the compartments are arranged in a superposed relationship, but fails to teach a frame that the base elements are connected to.

12. Cobane teaches that it is known in the art to connect a flexible compartment system to a frame (Fig. 2) wherein rods (92) are passed through loops (90) connected to the compartments and the lowermost flexible web of a base element is not fixed to the frame.

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the compartment system of Clement on a frame in the way taught by Cobane in order to make the compartment system easy to disassemble and transport.

14. Regarding claim 20, the modified compartment system of Clement teaches wherein the compartment system is provided with eyes (Cobane, 90) through which rods (Cobane, 92) are passed through for fixing to the frame.

15. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clement in view of Hoss (U.S. Patent No. 4,735,320).

16. Clement discloses all the claimed limitations as shown above but fails to teach wherein the flexible webs are sewn together to form loops and fixed to a frame by passing rods through the loops.

17. Hoss teaches that it is known in the art to manufacture a compartment system wherein loops are sewn in end sections (col. 3, lines 47-50) and rods (88, 90) are placed through to secure the compartments to a frame.

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the compartment system of Clement to be

secured to a frame, as taught by Hoss, in order to have a cheap and efficient way of attaching the compartments to a frame.

19. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clement in view of Hoss as applied above and further in view of Morris (U.S. Patent No. 6,304,698).

20. Regarding claim 18, the modified compartment of Clement teaches all the claimed limitations as shown above but fails to teach wherein the base elements have only half loops that are sewn together to form full loops.

21. Morris teaches that it is known to manufacture loops by taking half loops and sewing them together to form full loops (Fig. 2).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the base elements of the modified compartment system of Clement with half loops and sew them together, as taught by Morris, in order to use less material and thus reduce production cost. Furthermore it would have been obvious since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

23. Regarding claim 19, the modified compartment of Clement teaches all the claimed limitations as shown above but fails to teach wherein complete loops of two base elements are sewn together to form full loops.

24. Morris teaches that it is known to manufacture loops by taking half loops and sewing them together to form full loops (Fig. 2).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined for the same reasons listed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY ALLEN whose telephone number is (571)270-7426. The examiner can normally be reached on Monday through Friday 8:00 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Stashick/

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Supervisory Patent Examiner, Art  
Unit 3781

/J. A./  
Examiner, Art Unit 3781